IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Crim. Writ Petition No.2068 of 2005

Rahul Vasudev Bhatt ..Petitioner

vs.

Dinesh Bhailal Chokshi
and another ..Respondents

Shri S.V.Marwadi for petitioner
Shri Prakash Naik for respondent no.1
Smt.M.H.Mhatre, A.P.P. for respondent no.2
State.

CORAM: A.M.KHANWILKAR J.
22nd December,2005

P.C.

1. Heard counsel for the parties.

2. Rule. Returnable forthwith by consent.

3. Attempt of settlement has failed. The only course open is to proceed with the merits of the claim. Two reliefs have been claimed in this petition. First relief is for quashing of the criminal case no.486/PW of 2004 pending on the file of Metropolitan Magistrate, 22nd Court, Andheri, Mumbai in relationm to offence punishable under sec.406 and 420 read with 34 of I.P.C. That prayer, however, is not pressed during the course of arguments.

4. Counsel for the applicant has pressed only alternative relief of transfer of the above numbered case to the court of Metropolitan Magistrate, 45th Court, Mumbai where already other cases between the parties are pending and have made some progress, being Case no.131/S/2003, 253/S/2003, 257/S/2003 and 380/S/2003. Attempt of the applicant was to pursuade to this Court to direct the concerned Magistrate, 44th Court, Mumbai to hear all these cases together as it were between the same parties. This submission cannot be accepted. This is so because each case pertains to separate transaction and, therefore, cannot be heard together merely because the parties to all these cases are common. Each of the trial will have to be conducted separately. For the sake of convenience of all the witnesses appearing in the respective cases as well as the parties to the case and to enable the court to ensure that all the cases between the parties are decided expeditiously, in my opinion, limited relief can be granted in this application by directing transfer of Criminal Case No.486/PW/2004 to the court of Metropolitan Magistrate, 44th Court, Mumbai so that he would try criminal cases already pending before him as well as the transferred case one after other. The concerned

Magistrate may proceed with the trial on day today basis in respect of each of these cases if no other older matter than the crim.case no.131/S/2003 is pending on his file. All these cases may be disposed of expeditiously preferrably by the end of 2006. Petition is disposed of accordingly.

5. All other questions will be considered by the trial court if appropriate application is taken up by the parties in that behalf.